



**PATENT
DOCKET NO.: 11459/1**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Eagle
SERIAL NO. : 09/531,956
FILED : March 21, 2000
FOR : METHOD AND SYSTEM FOR SCHEDULING TRAVEL ON A CHARTER
TRANSPORT
GROUP ART UNIT : 3626
EXAMINER : Morgan, Robert W.

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION PURSUANT TO 37 C.F.R. 1.131

I, Bryan M. Eagle, III, hereby declare the following:

1. I presently reside at 2250 Court Avenue, Memphis, TN 38104, and am the named inventor of the subject patent application.

2. From at least before December 29, 1999 until after February 7, 2000, I diligently worked with and employed the services of Peter Hunsberger to implement my invention. I have known Mr. Hunsberger at least as early as 1992 when we starting working together at Odin Systems. I engaged the services of Mr. Hunsberger at least as early as the summer of 1999 specifically to help me reduce my invention to practice.

3. During that time, I discussed with Mr. Hunsberger various problems that had to

be solved to implement my invention. One such problem was what we called the “fuzzy matching” problem. From our research of the charter aircraft business, we understood that we were likely to have to match a limited number of private airplane flights to a high demand for seats from potential customers. In order to have a successful business model, we needed to accommodate as many customers as possible, otherwise they would be frustrated with the service. After talking with Boston Consulting Group, I discovered a similar struggle with other charter carriers in accommodating customer requests. To resolve this, we came up with a solution that involved suggesting alternative departure and arrival sites nearby those requested by a customer. This could make more flights available to a given customer. At my direction, Mr. Hunsberger developed a database schema and software that would be capable of implementing this solution on a web site.

4. Also during that time, we evaluated various “traveling salesman” algorithms to determine which would be best for matching flights requested by customers to available private airplane flights. A traveling salesman algorithm prescribes a way of determining the shortest path between two points in a network of points. In our case, we wanted to implement an efficient version of the algorithm to take into account the fact that we would have to implement it for a host of alternative departure and arrival sites to accommodate the supply-demand imbalance discussed above.

5. During this period, we used fictitious flight data to test our model. I made arrangements to obtain actual samples of actual airport and flight information to further develop and test our model.

6. During this period, Mr. Hunsberger worked continually with me to develop a proof of concept website that was initially programmed in PHP. The proof of concept website allowed for receiving availability information from private airplane owners such as the availability of their aircraft, the departure location, and any requirements such as number of passengers and minimum payment. Further, the proof of concept website showed how reservations would be accepted from customers seeking to obtain passage from a specified location. The website would attempt to match a customer’s request against available private airplane flights and notify the customer and airplane owner of acceptance.

7. Mr. Hunsberger also developed registration screens for customers seeking flights

and for private airplane owners that had airplanes and/or seats available. At my direction, he developed software for accepting a customer request for desired flights on given dates and for implementing a scheme to match the customer's request with available private airplanes. While in development, Mr. Hunsberger hosted the site locally so that I could monitor his work and to discuss the various issues pertaining to the implementation of my invention. Occasionally, Mr. Hunsberger would email me screenshots of the site, or would give me his IP (network) address so I could remotely access and evaluate the site. The proof of concept website was later changed to an ASP implementation and eventually was finished as a beta site by March or April of 2000.

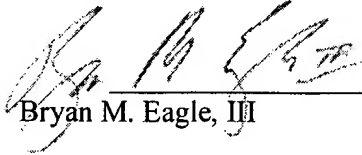
8. In December 1999, I spoke with Nathan Breed, an aviation attorney at Shaw Pittman, to discuss various FAA issues that needed to be addressed for offering this type of service. I outlined our business plan and what our service intended to do. Over the course of the next couple of months, Mr. Breed advised me of various requirements that we would have to implement in our service pertaining to FAA regulations limiting the number of trips any particular private airplane could fly in a given week. Our initial conversation and further conversations culminated in Mr. Breed furnishing me an opinion letter on March 14, 2000 pertaining to these issues. Thus, this information became essential for our scheduling algorithms, as each charter plane had to be limited to comply with FAA regulations.

9. Finally, on February 7, 2000 I engaged William Wells, a patent attorney of Kenyon & Kenyon LLP, to draft the subject application. During that time, Mr. Wells conversed with me pertaining to my invention, had the subject application drafted and filed it at the United States Patent and Trademark Office on March 21, 2000.

I, Bryan Eagle, III, acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the above-cited patent application or any patent issuing thereon. Likewise, I declare under penalty of perjury that the above statements are true and correct to the best of my knowledge, information and belief.

Respectfully submitted,

Dated: 7/31/06


Bryan M. Eagle, III



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DECLARATION PURSUANT TO 37 C.F.R. 1.131

I, Peter Hunsberger, hereby declare the following:

1. I presently reside at 661 East Drive, Memphis, Tennessee, 38112-1710.
2. From about October 1998 until December 1999, I was also employed by EveryCD, which went out of business. From December 1999 to April 2000, I was employed by Odin Systems, which also went out of business. From at least before December 29, 1999 until after February 7, 2000, I diligently worked under Brian Eagle's direction to help him implement his invention. The work I did for Mr. Eagle was unrelated to my full-time employment at EveryCD and Odin Systems.
3. During that time, I discussed with Mr. Eagle various problems that had to be

solved to implement his invention. One such problem was what we called the "fuzzy matching" problem. From our research of the charter aircraft business, we understood that we were likely to have to match a limited number of charter airplane flights to a high demand for seats from potential customers. To accommodate this, we came up with a solution that involved suggesting alternative departure and arrival sites nearby those requested by a customer. This could make more flights available to a given customer. I worked on developing a database schema that would be capable of implementing this solution on a web site.

Also during that time, we evaluated various "traveling salesman" algorithms to determine which would be best for matching flights requested by customers with actually available flights. A traveling salesman algorithm prescribes a way of determining the shortest path between two points in a network of points. In our case, we wanted to implement an efficient version of the algorithm to take into account the fact that we would have to implement it for a host of alternative departure and arrival sites to accommodate the supply-demand imbalance discussed above.

The work I was doing during this time period resulted in a proof of concept website that I initially programmed in PHP. The proof of concept website allowed for receiving availability information from charter operators such as the availability of their aircraft, the departure location, and any requirements such as number of passengers and minimum payment. Further, the proof of concept website would accept reservations from customers seeking to obtain passage from a specified location. The website would then attempt to match a customer's request against available charter flights and notify the customer and charter operator of acceptance.

I worked on developing registration screens for customers seeking flights and for charter operators that had airplanes and/or seats available. I also worked on software for accepting a customer request for desired flights on given dates and for implementing a scheme to match the customer's request with available charter planes. I obtained and included sample test data which was used to evaluate the performance of the software that I developed to implement the invention. The sample test data included fictitious flight and customer data. I hosted the site locally so that Mr. Eagle could monitor my work and to help us discuss the various issues pertaining to the implementation of his invention. The proof of concept website was later changed to an ASP implementation and eventually was finished as a beta site by March or April

of 2000.

4. Other than the time I was obligated to commit to my full time jobs with EveryCD and Odin Systems, the only gaps in my activities for Mr. Eagle occurred during a period in December 1999 when my then current employer, EveryCD, went out of business. For a few days, my time was mostly absorbed in seeking a new job. Additionally, I took vacation time during the holidays extending from Christmas through New Years.

I, Peter Hunsberger, acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the above-cited patent application or any patent issuing thereon. Likewise, I declare under penalty of perjury that the above statements are true and correct to the best of my knowledge, information and belief.

Respectfully submitted,

Dated:

7/10/2006


Peter Hunsberger